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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Legislative Department)

New Delhi, the 8th December, 1975/Agrahayana 17, 1897 (Saka)

THE PREVENTION OF PUBLICATION OF OBJECTIONABLE MATTER ORDINANCE, 1975

No. 28 OF 1975

Promulgated by the President in the Twenty-sixth Year of the Republic of India.

An Ordinance to provide against the printing and publication of incitement to crime and other objectionable matter.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

CHAPTER I

PRELIMINARY

Short title, extent and commencement.

1. (*1*) This Ordinance may be called the Prevention of Publication of Objectionable Matter Ordinance, 1975.

(*2*) It extends to the whole of India.

(*3*) It shall come into force at once.

Definitions and construction.

2. (*1*) In this Ordinance, unless the context otherwise requires,—

(*a*) "book" includes every volume, part or division of a volume, pamphlet and leaflet, in any language, and every sheet of music, map, chart or plan separately printed, lithographed or otherwise mechanically produced;

(*b*) "Code" means the Code of Criminal Procedure, 1973; 2 of 1974.

(*c*) "competent authority" means a competent authority appointed under section 4;

(*d*) "document" includes also any painting, drawing or photograph or other visible representation;

(*e*) "newspaper" means any periodical work containing public news or comments on public news;

(*f*) "news-sheet" means any document other than a newspaper containing public news or comments on public news;

(*g*) "press" means a printing press, and includes all plant, machinery, duplicators, types, implements and other materials used for the purpose of, or in connection with, printing or multiplying documents;

(*h*) "Press Registration Act" means the Press and Registration of Books Act, 1867; 25 of 1867.

(*i*) "State Government", in relation to a Union territory, means the administrator thereof appointed under article 239 of the Constitution;

(*j*) "unauthorised newspaper" means—

(*i*) any newspaper in respect of which security has been required under this Ordinance but has not been furnished as required, or

(*ii*) any newspaper which is published without conforming to the rules laid down in section 5 of the Press Registration Act;

(*k*) "unauthorised news-sheet" means any news-sheet in respect of which security has been required from the publisher thereof under this Ordinance but has not been furnished as required or any news-sheet which does not contain the name of the printer and the publisher;

(*l*) "undeclared press" means any press other than a press in respect of which there is for the time being a valid declaration under section 4 of the Press Registration Act;

(*m*) any expression used but not defined in this Ordinance shall,—

(*i*) if such expression is defined in the Code, have the same meaning as in the Code; and

(*ii*) if such expression is not defined in the Code but defined in the Indian Penal Code, have the same meaning as in the Indian Penal Code 45 of 1860.

(*2*) For the purposes of this Ordinance, where different editions of the same newspaper or news-sheet are published, each such edition shall be deemed to be a separate newspaper or news-sheet.

(3) Any reference in this Ordinance to any law which is not in force in any area shall, in relation to that area, be construed as a reference to the corresponding law, if any, in force in that area.

(4) Any reference in this Ordinance to any officer or authority shall, in relation to any area in which there is no officer or authority with the same designation, be construed as a reference to such officer or authority as may be specified by the Central Government by notification in the Official Gazette.

"Objectionable matter" defined.

3. In this Ordinance, the expression "objectionable matter" means any words, signs or visible representations—

(a) which are likely to—

(i) bring into hatred or contempt or excite disaffection towards the Government established by law in India or in any State thereof and thereby cause or tend to cause public disorder; or

(ii) incite any person to interfere with the production, supply or distribution of food or other essential commodities or with essential services; or

(iii) seduce any member of the Armed Forces or the Forces charged with the maintenance of public order from his allegiance or his duty or prejudice the recruiting of persons to serve in any such Force or prejudice the discipline of any such Force;

(iv) promote disharmony or feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities; or

(v) cause fear or alarm to the public or to any section of the public whereby any person may be induced to commit an offence against the State or against the public tranquillity; or

(vi) incite any person or any class or community of persons to commit murder, mischief or any other offence; or

(b) which—

(i) are defamatory of the President of India, the Vice-President of India, the Prime Minister or any other member of the Council of Ministers of the Union, the Speaker of the House of the People or the Governor of a State;

(ii) are grossly indecent, or are scurrilous or obscene or intended for blackmail.

Explanation I.—Comments expressing disapprobation or criticism of any law or of any policy or administrative action of the Government with a view to obtain its alteration or redress by lawful means, and words pointing out, with a view to their removal by lawful means, matters which are producing, or have a tendency to produce disharmony or feelings of enmity, hatred or ill-will between different religious, racial, language or regional groups or castes or communities, shall not be deemed to be objectionable matter within the meaning of this section.

Explanation II.—In considering whether any matter is objectionable matter under this Ordinance, the effect of the words, signs or visible representations, and not the intention of the keeper of the press or the publisher or editor of the newspaper or news-sheet, as the case may be, shall be taken into account.

Appointment of competent authorities.

4. (*1*) The Central Government may, by notification in the Official Gazette, appoint such officers (being officers of the Central Government, not below the rank of a Deputy Secretary to that Government, or officers of State Governments or Administrations of Union territories not below the rank of a District Magistrate) as it deems fit to be competent authorities for the purposes of this Ordinance and specify the local limits of their jurisdiction.

(*2*) An officer appointed under sub-section (*1*) may exercise the powers of a competent authority under this Ordinance in relation to presses situated and newspapers and news-sheets published within the local limits of his jurisdiction, the keepers of such presses and the publishers and editors of such newspapers.

CHAPTER II

PROHIBITION OF PREJUDICIAL PUBLICATIONS

Power to control prejudicial publications.

5. (*1*) The Central Government or the competent authority, if satisfied that action is necessary for the purpose of preventing or combating—

(*a*) any activity prejudicial to the interests of sovereignty and integrity of India, security of the State, friendly relations with foreign States, public order, decency or morality; or

(*b*) any activity involving, or likely to involve or culminate in incitement to offences,

may, by order in writing, addressed to the keeper of any press or any publisher or editor, prohibit the printing or publication in any document or any class of documents of any matter relating to a particular subject or class of subjects for a specified period (not exceeding two months from the date of communication of the order) or in a particular issue or issues of a newspaper or periodical.

(*2*) An order made under sub-section (*1*) shall not take effect until it is communicated to the person against whom it is made.

(*3*) When any order is made by the competent authority under sub-section (*1*) against any person, the competent authority shall forthwith report the fact to the Central Government together with the grounds on which the order has been made and such other particulars as in his opinion have a bearing on the matter and the Central Government may, if satisfied after making such enquiry, if any, as it may deem fit, that it is proper so to do, set aside such order or modify such order to the advantage of such person.

(*4*) Without prejudice to the provisions of sub-section (*3*), any person aggrieved by an order made under sub-section (*1*) may, within ten days of the communication of the order to him, make a representation to the Central Government and the Central Government may, after making

such enquiry as it may deem fit and after taking into account the action, if any, taken by it under sub-section (3) in respect of such order, dispose of the matter confirming, modifying or setting aside the order or, as the case may be, confirming such action:

Provided that if the person making the representation makes a request in his representation that he should be given an opportunity to be heard, the Central Government or the State Government, as the case may be, shall not dispose of the matter without giving to such person such opportunity.

(5) If within a period of seven days from the date of receipt of a representation under sub-section (4) the Government fails to confirm, modify or set aside the order against which the representation is made, the order shall, unless sooner set aside under sub-section (3), be deemed to have been set aside on the expiry of that period.

Explanation.– In computing the said period of seven days,—

(a) public holidays, that is to say, days on which the offices of the Government remain closed; and

(b) any time allowed to the person making the representation in compliance with his request to be heard; and

(c) any period during which the representation could not be disposed of by reason of any injunction or order of any court (including the day on which such order or injunction was issued or made and the day on which it was withdrawn),

shall be excluded.

Forfeiture of publications made in contravention of orders under section 5.

6. In the event of disobedience of an order made under section 5, the Central Government or the competent authority issuing the order may, without prejudice to any other penalty, to which the person guilty of the disobedience of the order is liable under this Ordinance or under any other law for the time being in force, direct that copies of the publication made in disobedience of such order be seized, and that any printing press or other instrument or apparatus used in the publication be closed down for the period such order is in operation.

Penalty for contravention of orders under section 5.

7. Whoever contravenes, disobeys or neglects to comply with any order made under section 5 shall, on conviction, be punished with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

CHAPTER III

PREVENTION OF PRINTING AND PUBLICATION OF OBJECTIONABLE MATTER

Power to demand security from presses in certain cases.

8. Whenever it appears to the competent authority that any press has been used for the purpose of printing or publishing any newspaper, newssheet, book or other document containing objectionable matter, and that there are sufficient grounds for demanding security from the keeper of the press under this section, the competent authority shall, by order in writing, direct the keeper of the press to deposit as security, within twenty-one days from the date of the order, such amount as the competent authority may think fit to require:

Provided that if, having regard to all the circumstances of the case, the competent authority is satisfied that the requirements of the case will be met by a warning, the competent authority may, instead of demanding security, record, by order in writing, such warning.

Power to forfeit security or demand further security from presses.

9. Whenever it appears to the competent authority that any press in respect of which any security has been ordered to be deposited under section 8 or under this section is thereafter used for the purpose of printing or publishing any newspaper, news-sheet, book or other document containing objectionable matter, the competent authority shall, by order in writing, declare such security as has been deposited, or any portion thereof, to be forfeited to the Central Government or direct the keeper of the press to deposit, within twenty-one days from the date of the order, such further security as the competent authority may deem fit to require and may also, in either case, declare all copies of the newspaper, news-sheet, book or other document containing such objectionable matter, wherever found in India, to be forfeited to the Central Government.

Consequences of failure to deposit security as required under section 8 or section 9.

10. (*1*) Where the keeper of the press is required under section 8 or section 9 to deposit any amount as security and the deposit is not made within the time allowed—

(*a*) the declaration made by the keeper of the press under the Press Registration Act shall be deemed to be annulled; and

(*b*) notwithstanding anything contained in the Press Registration Act, neither the said keeper of the press nor any other person shall make or be allowed to make a fresh declaration before a Magistrate under that Act in respect of the press, unless the amount required to be deposited as security by the keeper of the press under section 8 or section 9 is deposited by the keeper of the press or such other person; and

(*c*) the press shall not be used for printing or publishing of any newspaper, news-sheet, book or other document until the deposit has been made.

(2) If any press is used in contravention of clause (c) of sub-section (*1*), any Judicial Magistrate may on a complaint made to him in this behalf by the competent authority direct the keeper of the press to show cause why it should not be forfeited and after hearing him and on being satisfied that there are sufficient grounds for passing the order, declare the press or any part thereof to be forfeited to the Central Government:

Provided that the press or any part thereof so forfeited shall not be disposed of within a period of three months from the date of the order of forfeiture, and if the keeper of the press makes the required deposit within the aforesaid period, the press or the part thereof shall be returned to the keeper of the press.

Power to demand security from publishers of newspapers and news-sheets in certain cases.

11. Whenever it appears to the competent authority that a newspaper or news-sheet contains any objectionable matter, and that there are sufficient grounds for demanding security in respect of the newspaper or news-sheet under this section, the competent authority shall, by order in writing, direct the publisher of the newspaper or news-sheet to deposit, within twenty-one days from the date of the order, as security in respect of the newspaper or news-sheet, such amount as the competent authority may think fit to require:

Provided that if, having regard to all the circumstances of the case, the competent authority is satisfied that the requirements of the case will be met by a warning, the competent authority may, instead of demanding security, record, by order in writing, such warning.

Power to forfeit or demand further security from publishers of newspapers and newssheets.

12. Whenever it appears to the competent authority that any newspaper or news-sheet in respect of which any security has been ordered to be deposited by the publisher under section 11 or under this section thereafter publishes any objectionable matter, the competent authority shall, by order in writing, declare such security as has been deposited or any portion thereof to be forfeited to the Central Government or direct the publisher of the newspaper or news-sheet to deposit within twenty-one days from the date of the order such further security as the competent authority may deem fit to require and may also, in either case, declare all copies of the newspaper or news-sheet containing such objectionable matter, wherever found in India, to be forfeited to the Central Government.

Consequences of failure by publisher to deposit security as required under section 11 or section 12.

13. (*1*) Where the publisher of a newspaper is required under section 11 or section 12 to deposit any amount as security in respect of any newspaper and the deposit is not made within the time allowed,—

(*a*) the declaration made by the publisher of the newspaper under section 5 of the Press Registration Act shall be deemed to be annulled; and

(*b*) notwithstanding anything contained in the Press Registration Act, neither the said publisher nor any other person shall make, or be allowed to make, a fresh declaration before a Magistrate under section 5 of that Act as publisher of that newspaper or any other newspaper which is the same in substance as that newspaper, unless the amount required to be deposited by the publisher of the newspaper under section 11 or section 12 is deposited by the said publisher or such other person.

(*2*) Where a deposit is required from the publisher of a newspaper or news-sheet under section 11 or section 12, no press shall, after the expiry of the time allowed to make the deposit, be used for the printing of such newspaper or news-sheet, until the deposit has been made.

(*3*) The keeper of any press who knowingly contravenes the provisions of sub-section (*2*) shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both, and where such keeper is convicted for a second or subsequent contravention of that sub-section in respect of the same newspaper or news-sheet, the court may also direct that the press or any part thereof shall be forfeited to the Central Government:

Provided that the press or part thereof so forfeited shall not be disposed of within a period of three months from the date of the order of forfeiture and, if the keeper of the press makes the required deposit within the aforesaid period, the press or part thereof, as the case may be, shall be returned to the keeper of the press.

Power to demand security from editors of newspapers and newssheets in certain cases.

14. Whenever it appears to the competent authority that a newspaper or news-sheet contains any objectionable matter and that there are sufficient grounds for demanding security from the editor of the newspaper or news-sheet under this section, the competent authority shall, by order in writing, direct the editor of the newspaper or news-sheet to deposit, within twenty-one days from the date of the order, such amount as the competent authority may think fit to require:

Provided that if, having regard to all the circumstances of the case, the competent authority is satisfied that the requirements of the case will be met by a warning to the editor, the competent authority may, instead of demanding security, record, by order in writing, such warning.

Power to forfeit security or demand further security from editors of newspapers and newssheets.

15. Whenever it appears to the competent authority—

(*a*) that any newspaper or news-sheet contains any objectionable matter,

(*b*) that the editor of such newspaper or news-sheet has been ordered to deposit security (whether as editor of the same newspaper or news-sheet or of any other newspaper or news-sheet) under section 14 or this section,

the competent authority shall, by order in writing, declare such security as has been deposited by such editor or any portion thereof to be forfeited to the Central Government or direct such editor to deposit within twenty-one days from the date of the order such further security as the competent authority may deem fit to require.

Amount of security and manner of deposit.

16. (*1*) The amount of security which may be required to be deposited under any of the foregoing sections of this Chapter shall be fixed with due regard to the circumstances of the case and shall not be excessive.

(*2*) The amount of security directed to be deposited under any of the foregoing sections of this Chapter shall be deposited in money or the equivalent thereof in Government securities in accordance with such order as the Central Government may, by notification in the Official Gazette, make, with such authority or agency as may be specified in such order.

Procedure, etc., to be followed by the competent authority.

17. (*1*) The competent authority shall not make any order under section 8, section 9, section 11, section 12, section 14 or section 15, unless he is satisfied, upon a complaint made to him in writing by the proper officer and inquiry made in the manner provided in this section, that it is necessary to make such order.

Explanation.—In this sub-section, "proper officer" means any officer empowered by the Central Government or a State Government, by general or special order in writing, to make complaints under this section.

(*2*) Every complaint to the competent authority under sub-section (*1*) against any person (hereafter in this section referred to as the respondent) shall state or describe the objectionable matter in respect of which the complaint is made and, where it is desired that security should be demanded from the respondent, shall specify the amount of security which, in the opinion of the officer making the complaint, should be so demanded.

(3) On receipt of a complaint under sub-section (1) the competent authority may, after making such preliminary inquiry, if any, as he may deem necessary, issue notice thereof to the respondent.

(4) When the respondent appears before the competent authority in compliance with a notice under sub-section (3), the competent authority shall settle the points for determination and proceed to inquire into the complaint and, after taking such evidence as may be produced and after hearing the parties, make such order as he may deem fit.

(5) The competent authority shall inquire into the complaint, as nearly as practicable, in the manner prescribed for conducting trials in summons cases by Magistrates under the Code.

(6) If, on the day appointed for the appearance of the respondent or any day subsequent thereto to which the inquiry may be adjourned, the respondent does not appear, the competent authority may proceed to hear the complaint and take all such evidence, if any, as may be produced in support of the complaint and make such orders under this Ordinance as he may deem fit:

Provided that if, on an application made by the respondent within fifteen days of the date of the *ex parte* order, the competent authority is satisfied that there are sufficient grounds, he may set aside the order and make a fresh inquiry into the complaint.

(7) In any inquiry before the competent authority with reference to any newspaper or news-sheet, any previous or subsequent issue of such newspaper or news-sheet may be given in evidence in aid of the proof of the nature and effect of the words, signs or visible representation in respect of which the complaint is made.

(8) For the purpose of hearing and disposing of complaints under this section, the competent authority shall have all the powers of a Judicial Magistrate of the first class under the Code.

Revision by and appeals to Central Government.

18. (1) When any order is made by the competent authority under this Chapter against any person, the competent authority shall forthwith report the fact to the Central Government together with the grounds on which the order has been made and such other particulars as in the opinion of the competent authority have a bearing on the matter and the Central Government may, if satisfied after making such inquiry, if any, as it may deem fit, that it is proper so to do, set aside such order or modify such order to the advantage of such person.

(2) Without prejudice to the provisions of sub-section (1), any person aggrieved by an order of the competent authority under this Chapter may, within thirty days of the making of such order, prefer an appeal to the Central Government and the Central Government may, after making such inquiry as it may deem fit and after taking into account the action, if any, taken by it under sub-section (1) in respect of such order, dispose of the appeal confirming, modifying or setting aside the order or, as the case may be, confirming such action:

Provided that before confirming any such order or modifying it to the disadvantage of the appellant, the Government shall give an opportunity to the appellant to represent his case.

(3) On the disposal of the appeal, the Government shall communicate the order made by it to the appellant and the competent authority.

(4) If within a period of sixty days from the date of receipt of an appeal under sub-section (1), the Government fails to confirm, modify or set aside the order appealed against, the order shall, unless sooner set aside under sub-section (1), be deemed to have been set aside on the date of the expiry of the said period.

Explanation.—In computing the said period of sixty days, any period during which the Government could not dispose of the appeal by reason of any injunction or order of any Court (including the day on which such injunction or order was issued or made and the date on which it was withdrawn) shall be excluded.

CHAPTER IV

PREVENTION OF CIRCULATION AND DISTRIBUTION OF OBJECTIONABLE MATTER

Power of Government to declare certain publications forfeited.

19. Where it appears to the Central Government that any issue of a newspaper or news-sheet or any book or other document, wherever made, contains any objectionable matter, that Government may, by notification in the Official Gazette, stating the grounds for the order, declare that every copy of such issue of the newspaper or news-sheet or of such book or document shall be forfeited to the Government.

Power to detain packages containing certain publications when imported.

20. (1) Any officer of customs under the Customs Act, 1962 or any other officer empowered by a general or special order of the Central Government in this behalf may detain any package imported into India in which he suspects there are newspapers, news-sheets, books or other documents containing objectionable matter and shall forthwith forward copies of any such newspaper, news-sheet, book or other documents found therein to such officer as the Central Government may appoint in this behalf to be disposed of in such manner as the Central Government may direct. 52 of 1962.

(2) Any person aggrieved by any action taken under sub-section (1) may apply, within fourteen days from the date on which such action is taken, to the Central Government for review and the Central Government may pass such orders thereon as it thinks fit.

Prohibition of transmission by post of certain documents.

21. (1) No newspaper, news-sheet, book or other document which has been declared to be forfeited under any of the provisions of this Ordinance and no unauthorised newspaper or unauthorised news-sheet shall be transmitted by post.

(2) Any officer in charge of a post office authorised by the Central Government in this behalf may detain in course of transmission by post any article other than a letter which he suspects to contain any document as is mentioned in sub-section (1) and shall deliver all such articles to such officer as the Central Government may appoint in this behalf.

(3) If the officer to whom any article is delivered under sub-section (2) is satisfied that the article contains any such document as is mentioned in sub-section (1), he may pass such orders as to the disposal of

the article and its contents as he deems proper, and, if he is not satisfied, he shall return the article to the post office for transmission to the addressee.

Power to seize and destroy unauthorised newspapers and news-sheets.

22. (*1*) Any police officer or any other officer empowered in this behalf by a State Government may seize any unauthorised newspaper or unauthorised news-sheet in the State.

(*2*) Any Metropolitan Magistrate, Chief Judicial Magistrate or a Magistrate of the first-class may, by warrant, authorise any police officer, not below the rank of a sub-inspector, to enter upon and search any place where any stock of unauthorised newspaper or news-sheets may be, or may be reasonably suspected to be, and such police officer may seize any documents found in such place which, in his opinion, are unauthorised newspapers or unauthorised news-sheets.

(*3*) All documents seized under sub-section (*1*) shall be produced, as soon as may be, before a Metropolitan Magistrate, a Chief Judicial Magistrate or a Magistrate of the first class and all documents seized under sub-section (*2*) shall be produced, as soon as may be, before the Court of the Magistrate who issued the warrant.

(*4*) If in the opinion of such Magistrate or Court any of such documents are unauthorised newspapers or unauthorised news-sheets, the Magistrate or Court may cause them to be destroyed, but if, in the opinion of such Magistrate or Court any of such documents are not unauthorised newspapers or unauthorised news-sheets, such Magistrate or Court shall dispose of them in the manner provided in sections 457, 458 and 459 of the Code.

Power to seize and forfeit undeclared presses producing unauthorised newspapers and unauthorised news-sheets.

23. (*1*) Where a Metropolitan Magistrate or a Chief Judicial Magistrate has reason to believe that an unauthorised newspaper or unauthorised news-sheet is being produced from an undeclared press within the local limits of his jurisdiction, he may, by warrant, authorise any police officer, not below the rank of a sub-inspector, to enter upon and search any place where such undeclared press may be, or may be reasonably suspected to be, and if, in the opinion of the police officer, any press found in such place is an undeclared press and is used to produce an unauthorised newspaper or unauthorised news-sheet, he may seize such press and any documents found in the place which, in his opinion, are unauthorised newspapers or unauthorised news-sheets.

(*2*) The police officer shall forthwith make a report of the search to the Court which issued the warrant and shall produce before such Court, as soon as may be, all property seized:

Provided that where any press which has been seized cannot be readily removed, the police officer may produce before the Court only such parts thereof as he may think fit.

(*3*) If such Court, after such inquiry as it may think requisite, is of opinion that a press seized under this section is an unauthorised press

which is used to produce an unauthorised newspaper or news-sheet, it may, by order in writing, declare the press or any part thereof to be forfeited to the Central Government, but if after such inquiry the court is not of such opinion, it shall dispose of the press in the manner provided in sections 457, 458 and 459 of the Code.

(4) The Court shall deal with the documents produced before it under this section in the manner provided in sub-section (4) of section 22.

CHAPTER V

APPEALS AND APPLICATIONS TO HIGH COURT

Appeals.

24. (1) Any person aggrieved by an order passed under section 18 may prefer an appeal to the High Court within the jurisdiction of which such person ordinarily resides or carries on business or personally works for gain.

(2) No appeal shall be entertained under sub-section (1) unless it is made within sixty days of the date of the order appealed against.

(3) Upon any appeal under this section, the High Court may pass such order as it deems fit confirming, varying or setting aside the order appealed from, and may pass such consequential or incidental orders as may be necessary.

Application to High Court against orders of forfeiture.

25. (1) Any person aggrieved by an order of forfeiture passed by a Magistrate under sub-section (2) of section 10 or sub-section (3) of section 13 may within sixty days of the date of such order make an application to the High Court to which such Magistrate is subordinate.

(2) Any person aggrieved by an order of forfeiture passed under section 19 or by an order under sub-section (2) of section 20 may, within sixty days of the date of such order, make an application to the High Court within the jurisdiction of which such person ordinarily resides or carries on business or personally works for gain.

(3) The High Court to which any application is made under this section may pass such order as it deems fit confirming, varying or setting aside the order in respect of which such application is made and may pass such consequential or incidental orders as may be necessary.

Appeals and applications to be heard by a Bench of three Judges.

26. Every appeal and every application to a High Court under this Chapter shall, where the High Court consists of three or more Judges, be heard and determined by a Special Bench of the High Court composed of three Judges and where the High Court consists of less than three Judges, such Special Bench shall be composed of all the Judges of the High Court.

Procedure in High Court.

27. Every High Court may frame rules to regulate the procedure in respect of appeals and applications under this Chapter and until such rules are framed, the practice of such High Court in proceedings in respect of appeal and revision shall apply, in so far as may be practicable, to such appeals and applications.

CHAPTER VI

PENALTIES

Penalty for keeping press without making deposit.

28. Whoever is the keeper of a press which is used for the printing or publishing of any newspaper, news-sheet, book or other document without making a deposit as required under section 8 or section 9 shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees or with both.

Penalty for publishing newspaper or news-sheet without making deposit.

29. Whoever publishes any newspaper or news-sheet without making a deposit as required under section 11 or section 12 or publishes such newspaper or news-sheet knowing that such security has not been deposited shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both.

Penalty for acting as editor without making deposit.

30. Whoever acts as an editor of a newspaper or news-sheet without making a deposit as required under section 14 or section 15 shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

Penalty for disseminating unauthorised newspapers and unauthorised news-sheets.

31. Whoever sells or distributes or keeps for sale or distribution any unauthorised newspaper or unauthorised news-sheet knowing or having reason to believe that it was an unauthorised newspaper or an unauthorised news-sheet shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

CHAPTER VII

MISCELLANEOUS

Service of notices.

32. Every notice under this Ordinance shall be served in the manner provided for the service of summonses under the Code:

Provided that if service in such manner cannot, by the exercise of due diligence, be effected, the serving officer shall, where the notice is directed to the keeper of the press, affix a copy thereof to some conspicuous part of the place where the press is situated, as described in the keeper's declaration under section 4 of the Press Registration Act, and, where the notice is directed to the publisher or editor of a newspaper, to a conspicuous part of the premises where the publication of such newspaper is conducted, as given in the publisher's declaration under section 5 of that Act and thereupon the notice shall be deemed to have been duly served.

Issue of search warrants in certain cases.

33. (1) Where any press or any copies of newspaper, news-sheet, book or other document are declared forfeited to the Central Government under this Ordinance, the Central Government may require a Magistrate to issue a warrant empowering any police officer, not below the rank of a sub-inspector, to seize and detain any property ordered to be forfeited and to enter upon and search for such property in any premises—

(a) where any such property may be or may be reasonably suspected to be, or

(b) where any copy of such newspaper, news-sheet, book or other document is kept for sale, distribution, publication or public exhibition or is reasonably suspected to be so kept.

(2) Without prejudice to the provisions contained in sub-section (1), where any newspaper, news-sheet or other document is declared forfeited to Government, it shall be lawful for any police officer to seize the same, wherever found.

Conduct of searches.

34. Every warrant issued under this Ordinance shall, so far as it relates to a search, be executed in the manner provided for the execution of search warrants under the Code.

Return of security in certain cases.

35. (1) Where any keeper of a press or publisher or editor of a newspaper or news-sheet has deposited any amount as security or further security as required under section 8 or section 9 or section 11 or section 12 or section 14 or section 15 and no further action has been taken in respect of the press or the publisher or the editor under this Ordinance for a period of two years from the date of such deposit, the person who made the deposit or any person claiming under him may apply to the Central Government for the return of the security in deposit.

(2) The Central Government shall, after making such inquiry as it may deem fit and after being satisfied about the claim of the applicant, direct the security to be returned to the applicant.

Application of provisions of Act 36 of 1963.

36. For the purpose of determining any period of limitation prescribed by this Ordinance for any application or appeal, the provisions of sections 4 to 24 of the Limitation Act, 1963 shall apply as they apply for determining the period of limitation prescribed for any appeal or application by the Schedule to that Act.

Bar of jurisdiction and protection of action taken in good faith.

37. Every declaration of forfeiture purporting to be made under this Ordinance shall, as against all persons be conclusive evidence that the forfeiture therein referred to has taken place, and except as provided by this Ordinance—

(a) no proceeding taken or purporting to be taken under this Ordinance shall be called in question by or before any court; and

(b) no civil or criminal proceedings shall be instituted against any person for anything which is in good faith done or intended to be done under this Ordinance.

Bar of double penalty.

38. Notwithstanding anything contained in this Ordinance, no keeper of a press or publisher of any newspaper or news-sheet or editor of any newspaper or news-sheet shall be prosecuted under section 29, section 30 or section 31, as the case may be, if for the same act or omission such person has been proceeded against under section 8 or section 9 or section 11 or section 12 or section 14 or section 15, as the case may be, nor shall any such person be proceeded against under section 8 or section 9 or section 11 or section 12 or section 14 or section 15, as the case may be, if for the same act or omission such person has been prosecuted under section 29, section 30 or section 31, as the case may be.

Cognizability of offences under this Ordinance.

39. Notwithstanding anything contained in the Code, any offence punishable under this Ordinance and any abetment of such offence shall be cognizable and bailable.

Repeal.

40. Section 6, 7 and 8 of the Criminal and Election Laws Amendment Act, 1969 are hereby repealed. 35 of 1969.

FAKHRUDDIN ALI AHMED,
President.

K. K. SUNDARAM,
Secy. to the Govt. of India.

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